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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,136	06/03/2002	Lee Sprague	100746-9/Halocarbon 221	8154

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EXAMINER

PRICE, ELVIS O

ART UNIT

PAPER NUMBER

1621

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,136

Applicant(s)

SPRAGUE ET AL.

Examiner

Elvis O. Price

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,4,6-9, 11 and 12 is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

1. Claims 1-13 are pending in the application.
2. Newly submitted claim 13 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Prior art anticipating or rendering obvious the invention recited in claims 1-12 would not necessarily anticipate or render obvious the invention recited in claim 13.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 13 has been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 rejected under 35 U.S.C. 102(b) as being anticipated by Voight et al. {US Pat. 4,898,645}.

Voight et al. disclose a process for preparing an aliphatic fluorocarbon product(s) comprising pyrolyzing an aliphatic fluorocarbon compound (chlorodifluoromethane) to form a reactive aliphatic fluorocarbon intermediate

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which reacts with another reactive intermediate to form the desired aliphatic fluorocarbon products (see Example 1).

Claims 1, 5 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated over Difelice et al. {Combust. Sci. and Tech., 1996, 116-117 (1-6), pp. 5-30; abstract only}.

Difelice et al. disclose a process for preparing 1,1,1,2,3,4,4,4-octafluoro-2-butene (perfluoro-2-butene) comprising pyrolyzing 1-chloro-1,2,2,2-tetrafluoroethane (2-chloro-1,1,1,2-tetrafluoroethane) (see abstract). Difelice et al., also disclose a process for preparing 1,1-dichloro-1,2,2,2-tetrafluoroethane (CFCl_2CF_3) comprising pyrolyzing 1-chloro-1,2,2,2-tetrafluoroethane (2-chloro-1,1,1,2-tetrafluoroethane) (see abstract).

Response to Arguments

Applicants' arguments with respect to the previously rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Applicants arguments are directed towards process steps c) and d). However, the Examiner has interpreted applicants claim language (in step (b) of claim 1) as not requiring the production of undesired aliphatic fluorocarbon products since applicants recite that "optionally", undesired aliphatic fluorocarbon products may be produced. Thus, process steps c) and d), as recited in the present claim 1, by default would not be required.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter: Claims 3, 4, 6, 7-9, 11 and 12 are unobvious over the prior art of


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record because the prior art of record does not teach or suggest preparing the recited fluorinated compounds by pyrolyzing the recited halogenated starting reactants or preparing the recited fluorinated compounds in greater than 50% yield.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elvis O. Price whose telephone number is 571 272-0644. The examiner can normally be reached on 8:30 am to 5:00 pm: Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter can be reached on 571 272-0646. The fax phone numbers for the organization where this application or proceeding is assigned is 703 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1235.



Elvis O. Price

May 10, 2005